

Citation for published version:

Wunderlich, D 2010, 'Differentiation and policy convergence against long odds: lessons from implementing EU migration policy in Morocco', *Mediterranean Politics*, vol. 15, no. 2, pp. 249-272.
<https://doi.org/10.1080/13629395.2010.485052>

DOI:

[10.1080/13629395.2010.485052](https://doi.org/10.1080/13629395.2010.485052)

Publication date:

2010

[Link to publication](#)

This is an electronic version of an article published in Wunderlich, D., 2010. Differentiation and policy convergence against long odds: lessons from implementing EU migration policy in Morocco. *Mediterranean Politics*, 15 (2), pp. 249-272. *Mediterranean Politics* is available online at:
<http://www.informaworld.com/openurl?genre=article&issn=1362%2d9395&volume=15&issue=2&spage=249>

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Differentiation and Policy Convergence against Long Odds: Lessons from implementing EU migration policy in Morocco

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ABSTRACT. EU external migration policy is contentious in relations with its southern neighbours. Policy convergence and differentiation are unlikely outcomes in this setting. Against long odds, two-sided policy convergence occurs with considerable scope for differentiation. In specific, the analysis of EU policy objectives and implementation in Morocco shows the importance of externalities of European integration for achieving co-operation and ownership over projects. However, the EU's ability to pursue its restrictive policy objectives is impinged by relations between individual member and non-member states, intra-EU co-ordination problems and domestic political structures in its partner countries. The resulting differentiation processes bring about à la carte co-operation as an unintended consequence of EU initiatives on migration.

The European Commission stated the ambitious and certainly long-term objective of extending the free movement of people and labour to the Southern and Eastern neighbours of the European Union (EU) in its 'Wider Europe' communication (Commission of the European Communities, 2003: 11). This indicates region building ambitions by the EU that are at odds with its otherwise internally motivated external migration policy which aims largely at exerting stronger control over migratory movements in non-member states. The EU's wish to regulate migration beyond its territory means that it tries to shape the complex set of borders of inclusion and exclusion to the state territory of Southern and Eastern Mediterranean countries (SEMC), to their communities of belonging and labour markets (Geddes, 2005). These attempts therefore inevitably impact on any effort to create a denser web of relations in the Euro-Mediterranean area that is at the heart of region building at large.

Region building by means of its external migration policy is not an EU priority. By contrast, migration control constitutes an EU priority in most of its relations with

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SEMC – and moreover is a contentious issue between both sides. While the nature of EU objectives leaves little room for normative or sectoral differentiation, the Union depends on SEMC to implement policies “on the ground” if it wants to extend its reach and control migration beyond the outer Schengen border.ⁱ Policy convergence is however unlikely because SEMC hold conflicting interests to the EU migration control agenda. Nevertheless, SEMC are increasingly affected by externalities of European integration in form of transit migrants to Europe who end up staying in their territories as a result of the fortification of EU borders. These externalities contribute to SEMCs’ unease about turning into countries of immigration and predispose them to some convergence with EU policy objectives. Can we observe policy convergence and differentiation against long odds in this setting? What are the factors that account for these processes and what do they mean for region building?

The region building models by Barbé and Herranz Surrallés provide apt tools to evaluate the differentiation dynamics that are observable in EU external migration policy. The EU faces structural and political constraints in SEMC that hinder it to impose its internally inspired migration policy objectives in this legally non-binding environment. A fine-grained understanding of policy convergence is therefore helpful to qualify EU co-operation with SEMC without resorting to judgements of “failure” or “success” in this politicized area of co-operation. The main argument of this article is that the EU’s ability to achieve undifferentiated policy transfer is impinged by (1) the influence of bilateral relations of individual member and non-member states on the EU agenda and EU relations with SEMC; (2) intra-EU co-ordination problems; and (3) EU dependence on actors in SEMC to implement its policy objectives that allows them to exert considerable influence on EU policy. Geographical, sectoral and normative differentiation processes are the result. Ultimately, EU co-operation of migration policy in SEMC sits between the model of differentiated integration and *à la carte* co-operation but in an unintended form than the one envisaged by policy objectives manufactured in Brussels.

After analysing EU policy objectives towards SEMC in the second part of this article, member state’s influence and organisational environments in the EU and the partner country will be explored in greater detail when looking at implementation dynamics in Morocco in part three. The EU finances a range of projects in the country regarding border management, labour migration, migration and development and asylum. Insights from the Moroccan case may therefore be indicative of similar dynamics of EU co-operation in the region. Insights were gained through document analysis and 38 elite interviews in Brussels and Morocco between December 2007 and December 2008.

EU EXTERNAL MIGRATION POLICY: TOWARDS DIFFERENTIATION AND POLICY CONVERGENCE?

There is little reason to expect either differentiation or policy convergence in the EU's engagement with SEMC in the area of migration policy. Two reasons lead to this expectation: (a) the regulatory nature of EU external migration policy limits the scope for differentiation and (b) discrepancies between the EU and SEMC over the content of migration policy restrict policy convergence.

International migration is by definition a cross-border phenomenon. This poses challenges to states in their wish to regulate the international movement of people because they are limited to the boundaries of administrative and legal influence over their territory (Taylor, 1994). States have tried to counter this obstacle by means of international co-operation in their attempts to exert 'remote control' of migratory movements beyond their territorial borders (Zolberg, 2005). Although not a state in its own right, the EU also attempts to control migratory movements before they reach the outer Schengen border and depends on co-operation with SEMC. As a regulatory policy, migration policy mostly aims at fixing rules of admission and regulating access to state territory. The nature of these rules as not negotiable severely restricts the EU's scope to move away from its internally inspired policy objectives to filter 'wanted' from 'unwanted' migration or to build up asylum capacities that comply with international law. Consequently, the priority status of EU external migration policy and its strong normative content leave little room for policy differentiation in SEMC.

The EU aim to transfer its policy objectives abroad conflicts with SEMC interests with regard to their state sovereignty, relations with neighbouring countries in the region and internal political dynamics. EU external migration policy touches on sensitive areas of SEMC state sovereignty in particular with regard to border control and readmission because regulating access to its territory can be seen as the privilege of an independent state. Readmission is hereby contentious because the EU does not only want non-member states to readmit irregular migrant nationals but also non-nationals to its southern neighbours that transited via their territories into the EU. The potential tightening of SEMC border controls as an outcome of EU co-operation can also provoke new tensions among the countries in the region. Such an outcome would sit uncomfortably with the idea of region building in the Southern and Eastern Mediterranean. Moreover, SEMC are often countries of origin for EU immigration and profit from the yearly inflow of remittances. Restricting the movement of

their citizens is therefore unpopular with their local populations, affects their socio-economic conditions and can cause unfavourable changes to the political climate for the regimes in power (Brand, 2006). Given that SEMC (in contrast to EU accession countries) are under no legal obligation to accept and implement EU policies, the possibilities of policy convergence should be slim despite a power imbalance in favour of the Union in its overall relations with SEMC.

The more surprising is the finding that some EU co-operation with SEMC is taking place in the area of migration policy. The external governance literature points out the importance of 'externalities of European integration' which can increase the possibility of policy convergence (Lavenex 2008, Lavenex & Uçarar, 2002). SEMC are increasingly affected by EU externalities. EU measures to tighten its border controls hinder irregular migrants in transit to the EU to enter its territory. If increasing numbers of immigrants are seen in an unfavourable light in SEMC, then these negative externalities of EU integration can stimulate SEMC governments to control their borders more vigilantly and engage with EU co-operation in this area. In consequence, local actors can adopt ownership over restrictive EU policy initiatives and even drive policy convergence.

Despite SEMC inclinations to bring their policies in line with restrictive EU policies as a result of negative externalities, this article highlights three factors that impinge on the EU's ability to pursue its objectives in an undifferentiated way: (1) relations between individual member states and SEMC; (2) intra-EU co-ordination problems and (3) the effect of organisational environments in SEMC on implementation of EU external migration policy.

(1) EU relations with neighbouring countries can have repercussions on EU governance, a process named 'internalisation' by some (Friis & Murphy, 1999: 213). The aim to restrict the movement to the Schengen area is driven by member states' concerns about security issues and access to their labour markets and welfare systems. Individual member states may be therefore more pressed to obtain some degree of co-operation with non-member states (leading to differentiated arrangements) than to follow EU migration policy as a rigid and undifferentiated framework. In particular those member states with an EU outer border are put under pressure by EU legislation to restrict entry to their territories because the first country of entry is in charge of processing asylum applications in case of an irregular border crossing (Council of the European Union, 2003: art. 10). This increases the role of member states over the role of EU actors. For example, some SEMC have had continuing success to frustrate Community readmission agreements which undermined the Commission's position

vis-à-vis the member states. Despite a decade of negotiations, the Commission was unable to conclude such agreements with Morocco (since 2000), Turkey and Algeria (both since 2002). In their pursuit to readmit irregular migrants, the member states have resorted to sign informalized agreements with non-member states (albeit more limited in scope than Community readmission agreements) (Cassarino, 2007). This practice violates the Commission's exclusive Council mandate and weakens its standing for future mandates and in driving EU external migration policy.ⁱⁱ EU actors may therefore opt to take non-member states' interests stronger into account and accommodate their policy approaches in order to achieve co-operation. Limited policy convergence would have the price of geographical, sectoral and potentially normative differentiation.

(2) If the EU wants to keep differentiation low, then internal co-ordination between Commission Directorate Generals (DGs) is crucial for providing external incentives within and across policy sectors. External incentives can tempt SEMC to adopt policy objectives and set them into practice without allowing too many concessions to particular SEMC that move away from its original policy intentions. As the driving actor of external migration policy, DG Freedom, Security and Justice (JLS) has triggered tensions with classical external EU actors such as DG Development and DG External Relations (RELEX) who felt that their agendas were affected by the internally motivated policy objectives of this cross-cutting policy issue (Boswell, 2008: 499-508). Organisational environments at EU level therefore can limit possibilities for policy convergence.

(3) If organisational environments can influence the likelihood of EU co-operation on migration policy, then the organisational environments in SEMC are also likely to shape EU external migration policy and contribute to dynamics of differentiation – especially during the implementation phase. Indeed, the EU already struggles to enforce regulations in its own member states (Dimitrakopoulos & Richardson, 2001; Knill, 2006). The EU depends particularly on non-member state agencies to drive implementation of EU external migration policy. Implementation in non-member states should not be seen as a non-political process following a hierarchical “implementation chain” that translates EU policy objectives into action but as a process of continued bargaining over policy output in what has been termed a ‘policy-

action relationship' (Barrett & Fudge, 1981). Since the EU is not engaging with a primordial soup but with an established organisational context, domestic political structures and administrative capabilities in SEMC are crucial factors that mediate EU influence as flagged in the EU external governance literature (Lavenex, 2008: 948, Lavenex & Schimmelfennig 2009: 804f). Already at the time of decision-making, central governmental actors sit at the negotiation table about intergovernmental agreements and are gatekeepers who can hinder legislative changes. Policy implementation can revive conflicts between the EU and SEMC which were covered up at the time of decision-making. When it comes to the implementation stage, for example, central governmental actors can impede the initiation of co-operation with local implementing agencies. Implementation has therefore been described as 'the continuation of politics by other means' (Bardach, 1977: 85). Furthermore, adequate resources and trained personnel need to be available as well as agreement over the purpose and logic of EU interventions as identified in the implementation literature (for an overview see Hill & Hupe, 2002). If the migration policy field is underdeveloped in SEMC, EU projects often attempt to build up new organisations, restructure responsibilities and finance training and equipment. EU projects therefore provide opportunity structures to SEMC actors which can provoke "turf wars" about responsibilities and policy influence among implementing organisations. These dynamics can contribute to differentiation because EU actors are dependent on local implementing organisations in order to set policy into practice and struggle to control the policy output of such co-operation. It is therefore crucial to understand the organisational context with which the EU is engaging in order to assess the potential for differentiation and policy convergence in different SEMC.

These considerations set the scene for the investigation of differentiation and convergence processes between EU and SEMC migration policies. The EU attempts to transfer its policy objectives abroad with little scope for differentiation. At the same time, these objectives largely conflict with SEMC interests in the area of migration which leave little room for policy convergence. Nevertheless, SEMC are possibly inclined to restrict the movement of people into their own territories and hereby conform to EU objectives in order to respond to externalities of tightened EU border controls. Even so, the EU has to struggle to stop differentiation from eroding the transfer of its external migration policy into SEMC because: (1) Member states may be more interested in achieving their own migration policy objectives than in an undifferentiated EU arrangement which makes both member states and

Commission more open to consider SEMC interests to achieve some kind of co-operation; (2) EU internal co-ordination problems reduce EU leverage towards SEMC; (3) policy changes can occur during the implementation process that are difficult to control for the EU. Do we see policy convergence and differentiation against long odds in this setting? What are the implications for EU policy outcome and the prospects for region building? This article starts the analysis by assessing EU migration policy objectives to the region before turning to EU co-operation with Morocco as an exploratory case.

EXTERNAL MIGRATION POLICY OBJECTIVES: NO SPACE FOR DIFFERENTIATION?

In order to be able to assess the scope and nature of differentiation of EU migration policy towards SEMC and its role for region building, a close look at EU policy objectives is necessary. This section shows that the overall aim of the EU is to enforce stronger control measures and to reduce migratory pressure on EU borders. The EU applies this objective indiscriminately to SEMC. Where geographical differentiation takes place, this is the result of different co-operation stages between the EU and individual SEMC rather than a move away from its intransigent policy content. New policy items were added to the list of EU policy objectives which contributed to limited policy convergence thanks to the influence of sub-regional groups and bilateral relations between individual member states and SEMC.

The 1999 Tampere Council Conclusions (1999b: 3) defined ‘partnership with countries of origin’ as a cornerstone of a Common EU Asylum and Migration Policy and set the broad objectives for co-operation with non-Member States. The Hague Programme (2005-2009) and the Stockholm Programme (2010-) updated their predecessor. They specify the aims of bilateral co-operation as improving non-member states’ asylum systems, building-up their border control capacities against illegal migrationⁱⁱⁱ and organized crime, improving document security, installing resettlement programmes as well as Community readmission agreements and emphasizes the need to address the ‘root causes of migration’ (Council of the European Union, 2004: 20-23 and 2009: 72f, 76). The focus of EU external migration policy has been widely criticized as subjugating non-Member States to EU interests, primarily in border controls, readmission and shifting asylum pressures outside of EU territory (Lavenex, 1999; Lindstrøm, 2005; Taylor, 2005).

What is the scope for policy differentiation in SEMC given the wide range of objectives from security concerns, via humanitarian considerations to the “root causes”

approach? A look into the multi-annual national action plans which are agreed between the EU and the respective non-member state shows the specific aims of the EU in SEMC (Table 1). The action plans are therefore meant to adapt broader EU policy objectives to the local context. The EU makes subsequently funding available to transpose these objectives into action by means of concrete initiatives in SEMC.

Table 1 gives an overview of policy objectives towards SEMC in subfields of external migration policy. The dominant EU approaches are restrictive policy and control measures, capacity-building and alignment to international conventions with tentative co-operation on the side regarding legal migration and the ‘migration-development nexus’ (Nyberg-Sørensen, 2002). Given the fact that migration policy is by and large a regulatory policy, EU migration control objectives offer little space to take account of the diversity of migrant realities in different SEMC.

Although national action plans are based on mutual agreement with SEMC governments, they show no significant move away from the EU’s main aims. What appears to be differentiation in the case of individual action plans to accommodate to SEMC’ interests is the result of co-operation stages. These co-operation stages therefore reflect that the EU embraces differentiated integration which allows for geographical and sectoral but not normative differentiation. For example, the overall difficult political relations with Syria and Libya have hampered bilateral co-operation on migration. In the case of the Palestinian Authorities bilateral relations required a different focus altogether which resulted in no specification of objectives and measures in the area of migration policy. In a more favourable bilateral climate, co-operation often takes the form of ‘dialogue’ and ‘information exchange’ which eventually transpire into more concrete measures such as ‘capacity-building’, institution-building, legislative alignment and provision of equipment. Finally, Turkey’s accession process represents the most advanced stage in terms of breadth and depth of co-operation objectives.

Individual member states’ interests to respond to migration flows focus EU interest on particular countries and emphasise readmission, asylum and border control co-operation as in the cases of Morocco, Libya and Turkey. For example, on the base of bilateral co-operation between Italy and Libya, EU initiatives have developed in response to transit migration via Libya to southern Italy and Malta (Hamood, 2008). Such co-operation is, however, not without a price and allowed Libya to access sophisticated military technology to police its borders.^{iv} In other cases, bilateral relations and sub-regional fora between SEMC and privileged interlocutor member states allowed for (limited) influence of non-member states on

policy developments at EU level. Although EU initiatives on admission policy (for example circular migration schemes) and on “migration and development” are a recent and underdeveloped component of EU external migration policy, they are the product of such influence and provide evidence of two-sided policy convergence.

Table 1: External migration policy objectives and approaches in ENP action plans and strategy papers towards SEMCs

	border management	measures against human trafficking	measures against illegal migration	readmission	asylum	visa	migration management
Morocco	*capacity- building *equipment *information exchange	*capacity-building *align legislation to international standards *enhanced co- operation *information exchange *strategy development *capacity-building *assistance to victims	*information exchange *regional co- operation *institutional support	*conclude and implement EC readmission agreement	*align legislation with 1951 Geneva Convention *implementation	*document security *facilitated procedures	*information exchange *public campaigns on risks of illegal migration and legal migration opportunities *manage legal migration *multilateral co- operation *explore synergies migration and development
Algeria	n/a	n/a	n/a	*conclude and implement readmission agreement	n/a	n/a	*consider development of legal migration unit *multilateral co- operation
Tunisia	*capacity- building	*dialogue on common approach	*information exchange	*initiate negotiations	*align legislation with 1951	*document security	*promote co-operation on legal migration

	*information exchange *regional co-operation	*capacity-building *assistance to victims	*strategy development *institutional support		Geneva Convention *implementation	*dialogue on facilitated procedures	*manage legal migration *multilateral co-operation
Libya	*equipment	n/a	*dialogue *financial assistance *equipment	n/a	n/a	n/a	n/a
Egypt	n/a	*promote co-operation with EU *assistance to victims	*regional co-operation *assistance to curb illegal migration to EU *dialogue on control of illegal migration *information exchange	*dialogue on return and readmission *initiate and negotiate EC readmission agreement	*dialogue on asylum *information exchange	*document security *dialogue on facilitated procedures	*public campaigns on risks of illegal and opportunities of legal employment *capacity-building *information exchange *dialogue on legal and seasonal migration
Jordan	*information exchange *regional co-operation	*signing and ratification of UN convention *adapt legislation *information	*information exchange	n/a	*dialogue	*dialogue to facilitate procedures and document	n/a

		exchange				security	
PA	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Israel	*co-operation with border police against illegal migration	*ratify and implement UN convention *information exchange *co-operation with countries of origin and transit	*information exchange	n/a	*exchange of information and best practise	n/a	*information exchange *dialogue on legal migration
Lebanon	*practical support to combat illegal migration *strategy development *regional co-operation *capacity-building *equipment *possible co-operation with	*implement UN Convention *adapt national provisions *exchange information and expertise and co-operation *assistance to victims	*exchange information and experience *practical support of activities	*review policies on return of illegal migrants *consider negotiation on EC readmission agreement	*direct co-operation to better living conditions of refugees *capacity-building *exchange of information and best practices	*examine facilitate visa procedures *document security	*information exchange *information on risks of illegal and opportunities of legal migration *migration and development *co-operation with diasporas *facilitating remittance flows

Frontex							
Syria	n/a	n/a	n/a	n/a	*consider direct co-operation to better refugee's living conditions	n/a	n/a
Turkey	*align legislation and implement border <i>acquis</i> *institutional restructuring *capacity- building *equipment *possible Frontex co- operation	*information exchange *co-operation on dismantling networks *public information campaigns	*information exchange *adopt and implement <i>acquis</i> and best practices with view to prevent illegal migration *operational co- operation	*conclude and implement EC readmission agreement *liaison regarding repatriation to countries of origin	*respect and implement 1951 Geneva Convention and <i>acquis</i> *capacity- building	*align visa regulations with EU regulations *document security	*information exchange *information campaigns *implement political reforms to decrease number asylum seekers *economic development to limit out-migration

n/a: not applicable

Sources: Commission of the European Communities, 2004a; 2004c; 2004d; 2005c; 2006c; 2006d; 2006e; 2006f; 2007; n.d.-a; n.d.-b; Libya & EU, 2006; Interview DG RELEX.

EU external migration policy stated clearly from the beginning the aim to reduce migratory movements into member states (Council of the European Union, 1992: annex 5). Although the Council Tampere Conclusions (1999b: 3) propagated a ‘comprehensive approach to migration’ to achieve ‘co-development’ in the EU and its partner countries, the first action plans were seen as unbalanced by the target countries. Morocco demanded for example more emphasis on socio-economic aspects rather than security approaches to migration (Council of the European Union, 2000: 7). Around the early 2000s, the link between migration and development became a fashionable topic for international organisations (Lavenex, 2008: 441f). Next to repressive policy measures, the topic also made its way onto the agenda of intergovernmental fora together with labour migration. The 5+5 Dialogue (Portugal, Spain, France, Italy and Malta as well as Mauritania, Morocco, Algeria, Tunisia and Libya) dealt with these topics from the 2003 Rabat Conference onwards. A similar interest emerged at EU level only after the 2005 crisis at Ceuta and Melilla where at least 15 people died in the surge of more than one thousand migrants on the two Spanish cities and during subsequent deportations (Amnesty International, 2005; Commission of the European Communities, 2005d). The events made the member states susceptible to the idea that the securitarian approach to migration had its limitations and that it stimulated human rights violations. This environment provided a window of opportunity for Spain to push for a ‘Global approach to migration’ in the Council on the base of a Commission Communication, which better accommodated Morocco’s wish for a more balanced approach in the EU agenda and put stronger emphasis on legal migration and development issues (Council of the European Union, 2005; Commission of the European Communities, 2005a).^v Moroccan influence on the EU agenda was also traced in documents of JHA sub-committee meetings (Lavenex, 2008: endnote 8). EU conferences followed this line with the African Union and SEMC in Rabat, Tripoli and Albufeira in 2006.

The example shows that discussions at regional co-operation fora can pave the way for introducing new strategies at EU level. In a favourable environment, non-member states can influence the EU policy agenda where interests converge with their privileged interlocutor member states. Policy convergence was however rather superficial and the subsequent policy initiatives modest. Regarding labour migration, member states are strongly opposed to granting the EU competences regarding admission policies in order to keep the stronghold on access to their labour markets. EU policies can therefore at best offer co-operation interfaces for *migration choisi* to non-members as are developing in Morocco, Egypt and Tunisia.^{vi} Practical elaborations of the migration-development nexus are at an infantile state.^{vii} Despite a

respective Commission Communication (2005b), there is limited clarity how to translate the link between migration and development into tangible projects. Moreover, development agencies have been reluctant to participate in developing this link further out of fear of having to compromise their own policy agenda (Boswell, 2008: 502).^{viii} It has been argued that these new initiatives have impacted little on the prevailing security oriented EU policy frame and that more fundamental re-steering is needed (Lavenex & Kunz, 2008: 453f; Pastore, 2007: 56-62). It is therefore doubtful in how far regional fora and non-member states' influence can bring about convergence beyond declarations of policy intentions.

EU funding can tempt SEMC into bilateral co-operation because it allows for operations that SEMC might not otherwise consider worth financing themselves. Funding is available in form of geographical as well as thematic budget lines in order to implement national action plans. Out of a total of about €16.5bn spent on EU external action between 2002 and 2006^{ix}, around €450m (about 2.7 per cent) were spent on migration related activities. These activities centred on border control, the fight against illegal migration and migration management with focus in the Balkans, the Mediterranean and Eastern Europe (Commission of the European Communities, 2006b: 6). Although geographic instruments (formerly MEDA, now European Neighbourhood Policy Instrument (ENPI)) allow for regional initiatives and cross-border co-operation between SEMC that could counter differentiation dynamics, the largest part of this funding goes into national projects. Since the development of regional or cross-border initiatives is dependent on the agreement of respective SEMC governments, strained bilateral relations between them can provide serious obstacles (for example in the case of Morocco and Algeria). In contrast to geographic instruments, national governments are not consulted regarding the allocation of project funding under thematic instruments.^x This reduces the potential for normative and geographical differentiation because Brussels can exert stronger control at the planning stage. However, projects under thematic instruments have a predominantly national focus and EU dependence on local non-governmental organisations and international organisations to implement projects allow for differentiation at the implementation stage.

The analysis of EU policy objectives towards SEMC showed little scope for normative differentiation of policy contents. Geographical differentiation only emerged as a result of the quality of overall bilateral relations and reflects co-operation stages which follow the model of differentiated integration. Concerns about particular migration routes drive affected member states to compromise with countries of origin and transit in order to initiate co-operation. Their role as privileged interlocutors can hence open the way for EU initiatives or

put non-member states' interests on the EU agenda as will be explored in greater detail below. Due to the regulatory nature of migration policy, EU interest is set on the enforcement of regulations along organisational and territorial state borders. Region-building is not the primary aim in this policy field. EU initiatives are hereby aiming at installing a system of concentric circles around EU external borders that keep unwanted migration and asylum reception further afield. Financial attributions largely focus on projects in individual SEMC and do not generate regional initiatives. The availability of EU budget lines with a national focus has particular relevance for differentiation at the implementation stage. SEMC governments can use their bargaining power vis-à-vis EU actors to request adjustment of project outlines and local implementers contribute to normative and sectoral differentiation in the region as discussed in the next section.

IMPLEMENTING EU MIGRATION INITIATIVES IN MOROCCO: AN OPEN DOOR FOR DIFFERENTIATION

Implementation research helps to carry the analysis beyond the level of EU policy intentions. It can provide answers to core questions pointed up in the introduction to this volume such as who brought about differentiation and convergence as well as why. Answers to these questions help to characterise the region building model that fits best for co-operation in the area of migration policy. Examples from implementation of EU policy in Morocco reveal the importance of bilateral relations between individual member and non-member states, the externalities of European integration, EU internal co-ordination problems and domestic political structures. These factors provide an open door for differentiation and provide an example of a rather unexpected *à la carte* co-operation. While limited policy convergence is taking place, it is not a one-sided process of SEMC aligning with EU policy objectives but shows mutual concessions during the translation of policy objectives into "action".

Spanish-Moroccan relations and EU migration policy

The Spanish-Moroccan case illustrates how bilateral relations between individual member and non-member states can hinder or facilitate EU co-operation and ultimately policy convergence (as seen with the EU 'Global Approach to Migration'). In response to Moroccan irregular immigration during the 1990s, the conservative Spanish government under Aznar (1996-2004) wanted to reduce migratory pressure and used EU weight to put Morocco in charge. Spanish policy interests were reflected in its draft of the 1999 High-Level Working Group on Asylum and Migration (HLWG) action plan on Morocco which largely focused on repressive measures (Council of the European Union, 1999a: 13-20). In response, Morocco

stated indignantly that it had not been consulted in its development and criticized its limited focus (Council of the European Union, 2000: 7). Its Human Rights Minister Aujjar stressed that the country followed ‘a humanist and voluntary approach to migration ... which puts migrants’ human rights at the centre of preoccupations and rejects any purely securitized approach’ (Le Matin, 2002).

While Spanish-Moroccan co-operation advanced with the 2001 labour agreement, it did not trigger the pending implementation of the bilateral 1992 readmission agreement, nor did it overcome the lack of co-operation to tighten border controls because Morocco opposed the idea of becoming the ‘Gendarme of Europe’ (Belguendouz, 2003). Meanwhile, Spain enhanced unilaterally its border surveillance and infrastructure. These measures only contributed to divert migration flows (Commission of the European Communities, 2005d; Ortuño, 2005) and at best achieved deterrence but not effectively stopped migrants from entering Spanish territory (Carling, 2007). Therefore, Spain had an intrinsic interest in co-operating with Morocco on illegal migration.

The Aznar government, which had already asked for EU-sanctions against Morocco in 2001, used its EU-presidency to increase the pressure. After a Spanish-British initiative to make development aid conditional on co-operation in migration control had been rejected, the Council agreed in its Seville Conclusions (2002: 10) that ‘any future co-operation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration’. Stressing the need of co-operation in border control and readmission, the Council (2002: 11) threatened to ‘adopt measures or positions under the Common Foreign and Security Policy and other European Union policies [in the case of an] unjustified lack of co-operation’.

The Council statement occurred in the context of deteriorating Spanish-Moroccan relations: Morocco called back its ambassador in 2001 because King Mohammed VI (1999-) complained of ‘frankly hostile positions with regard to politics, economy and security of Morocco’ (El País, 2005); and there was sabre-rattling over the disputed uninhabited islet Leila/Perejil in July 2002. Simultaneous to the mounting European pressure, Moroccan civil society and the media brought to public attention the issue of Moroccan citizens who drowned in their attempts to bypass border controls by crossing the Mediterranean in small boats. King Mohammed’s approved to engage with irregular migration in 2003 based on internal public indignation, EU pressure and reconciliatory steps towards Spain paired with the signature of Spanish investment deals worth €390m.^{xi} The King’s approval stimulated the creation of a

department on illegal migration within the Interior Ministry; ratification of Law 02/03 as a cut and paste from French legislation with a securitized vision of migration (Elmadmad, 2007: 35); and co-operation with Spain on border controls, monthly meetings between the Interior Ministries, information exchange, joined training exercises and readmission of Moroccan nationals. In general, Spanish-Moroccan co-operation has been described as good and based on trust especially under Zapatero's government (2004-) with its more appreciative view on immigrants.^{xii} EU co-operation with Morocco was strongly influenced by Spanish-Moroccan relations. Although informal discussions were running since 1998, EU co-operation on border management only went ahead once King Mohammed had agreed to co-operate with Spain in 2003 and the Commission had made considerable concessions to its Moroccan counterparts. Therefore, relations between a member and a non-member state shape policy convergence by exacerbating the potential for success or frustration of EU interventions and by channelling in non-member states' interests onto the EU agenda.

Domestic political structures

The structure of political systems in SEMC puts central actors in gatekeeper positions of EU interventions. Overcoming their vetoes by accommodating their interests means to contribute to EU policy differentiation. In the case of Morocco, the King holds most political power (McFaul & Cofman Wittes, 2008) and his "royal instructions" (such as those initiating Spanish-Moroccan border control co-operation) are crucial for EU interventions to go ahead. In addition, the Moroccan Interior Ministry is the opaque centre of power of the political system with close links into the Palace and has dominated the country through administrative authority, clientelism and nepotism (Vermeren, 2006: 80; Maghraoui, 2001: 14). Corresponding to its role as the monarchy's control body, the Interior Ministry also dominates Moroccan migration policy where it is in charge of border controls, the fight against human trafficking and illegal immigration (Elmadmad, 2007: 7). Its vision of migration and asylum has been described as securitized and is incoherent with that of other ministries focusing on the migration-development nexus and labour migration (such as the Ministries of Foreign Affairs and of Employment).^{xiii} The King and Interior Ministry hence occupy central gatekeeper positions at the apex of political power in Morocco. EU co-operation on border management in Morocco illustrates this point and reveals that EU concessions to the Interior Ministry had distorting influence on seemingly intransigent EU migration policy objectives.

EU-Moroccan co-operation on border controls

Looking at EU-border management interventions is of particular interest because they aim at influencing central and exclusive activities of sovereign states. In such a setting, it might be possible to overcome the opposition from central gatekeepers through normative and sectoral differentiation. In consequence, EU-project conditions followed Morocco's ideas and interests and reinforced the Interior Ministry's position as the central actor of EU migration policy. The EU had to compromise part of its objectives and increase funding to achieve co-operation. Bilateral border control co-operation is strongly influenced by EU incentives but also shows how the Interior Ministry adopted repressive EU policy responses to a changing and apparently daunting migration environment that is a consequence of border reinforcement along the outer EU border. Ultimately, the effects of reinforced border controls in Morocco undermined other EU policy objectives and were detrimental for migrants' human rights.

The first plans on an EU border management project with Morocco originated in the National Indicative Programme 2002-04 with a MEDA budget of €40m (Commission of the European Communities, 2001: 45f). The Commission planned implementation for 2003 but no progress was made until the royal instructions encouraged the Commission to reiterate its co-operation offer (Le Matin, 2003). The project was agreed with the Moroccan authorities in 2004 and intended to provide new equipment and training for the Interior Ministry. The plan was to install mobile detection units to identify and intercept people before leaving the Moroccan coast; Spain and France were to provide technical assistance (Lutterbeck, 2006: 72). However, the original project never materialized. One can only speculate about the reasons. Following interviews at the Commission, the Moroccan Interior Ministry wanted to use the money following its own priorities. Instead of controlling the northern and western coast as foreseen by the Commission, an increase of Moroccan troops in the Western Sahara was likely which was seen as politically contentious in Brussels.^{xiv} Whether it was the Commission or the Ministry that halted the project is unclear but the controversial issues were monitoring and control over the project.

The MEDA border management project only regained momentum after the 2005 events of Ceuta and Melilla which made sub-Saharan migration a widely visible phenomenon in Morocco. The boundary build-up of the Schengen borders since the 1990s had produced externalities of European integration which pushed the King and Interior Ministry to take action, fill in EU proposals and expand the already mentioned co-operation with Spain. This new co-operation willingness shows growing Moroccan concerns about immigration. However, co-operation with the EU was not unconditional and required substantial EU incentives.

The Commission transformed the MEDA-project by adding an additional €27m and employing a sector approach. This allowed the Moroccan Interior Ministry to use the overall total of €67m following its own priorities, on any border section and apparently without Commission monitoring on the use of the money.^{xv} With the project, the Commission aimed at supporting Morocco to develop a “migration strategy” by building-up the newly created Directorate for Migration and Border Surveillance in the Interior Ministry and a migration observatory. The latter was to achieve interorganisational co-ordination and the inclusion of actors beyond the hard core of the Interior Ministry (Commission of the European Communities, 2006a: 10). Project implementation strengthened the Directorate and is still ongoing but the Commission has already expressed satisfaction with the results.^{xvi} However, if the Commission sees migration observatories as best practise such as those financed in Asian Caribbean Pacific countries^{xvii} and wanted to broaden the dominant securitized Moroccan policy perspective on immigration through this project, then its objective failed: the migration observatory as an interorganisational platform has never come to life even five years after its announcement. Maybe more importantly, the considerable EU-funding strengthened the Interior Ministry’s position and re-emphasised its securitized vision of migration in the policy field. The EU hence stepped back from its monitoring requirements, its concerns over troop deployments to the Western Sahara and the idea of an integrated perspective on migration issues in order to achieve co-operation. Although the EU intervention’s general focus on migration control was maintained, Moroccan actors engaged with the EU agenda largely following their own conditions to respond to externalities of European integration that turn transit migration into immigration to Morocco. Meeting stern opposition, EU actors were quick to concede in order to achieve co-operation at all. Centralized political structures with capable and resourceful gatekeepers can therefore contribute to sectoral and normative differentiation of EU policy output.

Towards policy convergence?

The Moroccan migration policy agenda has since been dominated by largely repressive measures (international co-operation in border management and repatriation of irregular migrants) juxtaposed with a national development programme (Sghir, 2006). Morocco has in effect become the Gendarme of Europe that it never wanted to be largely out of fear of increased sub-Saharan immigration. The Head of the Directorate for Migration and Border Surveillance stated consequently that the European externalisation of border management was ‘not an illogical approach, but quite simply, we must be given the financial and logistic

resources to fulfil *our* ambitions’ (Sghir, 2006: 2, author’s emphasis). Although the Moroccan authorities now seem to recognize that Morocco is becoming an immigration country the (non-)policy is one of toleration rather than engagement. A senior official in the Ministry of Foreign Affairs stressed in a personal interview that ‘If irregular migrants do not cause any problems then we do not have a problem. If they cause problems then we need to act’. Abuses of migrants’ human rights continue along with Morocco’s reluctance to build up an asylum system. EU actors should ask themselves whether this “narrow” policy convergence is sufficient for a policy agenda that also emphasizes EU humanitarian ambitions in accordance with international obligations. Migrants in transit to Europe might indeed be worse off now than before EU co-operation with Morocco.

EU internal structures

EU internal co-ordination problems can contribute to differentiated EU policy in SEMC. While the role of domestic gatekeepers seems a likely source of policy differentiation, the role of EU internal processes may seem less so given that the EU is an ambitious international actor which attributes priority status to its external migration policy. However, Commission DGs are concerned with their own portfolios and want to protect them where they conflict with the internally motivated EU external migration agenda. The result is EU internal co-ordination problems which undermine EU ambitions of policy convergence as will be exemplified regarding asylum policy and the Community readmission agreement with Morocco.

Where EU external migration policy is drawing from law backed by international organisations (such as the 1951 Geneva Convention and its guardian, the United Nations High Commissioner for Refugees (UNHCR)), the EU uses co-operation with international organisations. However, EU internal co-ordination problems undermined rule transfer and long-term policy convergence. UNHCR has had a troublesome relationship with the Moroccan authorities which led to suspension of co-operation in 2004. After violation of refugee and basic human rights in 2005 and 2006 when Moroccan security forces expelled migrants into the desert, growing international pressure contributed to Morocco signing the 2007 *accord de siège* with UNHCR. The EU supported UNHCR with funding from 2005 onwards. When EU-funding was running out, UNHCR Morocco, Algeria and Tunisia re-applied jointly. Instead, EU funding went to Libya which is ‘more en vogue’ as a senior UNHCR official commented.^{xviii} It seems that DG RELEX’s aim of expanding its relations with Libya overrode the advice of its Commission Delegation in Rabat to continue funding UNHCR Morocco, in the light of its continuing problematic relationship with the Interior

Ministry and often precarious living conditions of sub-Saharan migrants in Morocco (Collyer, 2006: 21-26).^{xi} Brussels' decision not to financially support UNHCR activities in Morocco therefore undermined EU intentions of building up a Moroccan asylum system at a time when it would have been most conducive to policy convergence: first obstacles to further co-operation were slowly removed; UNHCR had submitted a draft asylum system to the Moroccan authorities; and these were conducting study visits to learn from experiences abroad. Co-ordination issues between Rabat and Brussels and a lack of feedback and follow-up can hence seriously undermine EU objectives of approaching international asylum standards. It might otherwise appear that the EU is more interested in small-scale (and therefore largely symbolic) contributions on the ground and strategic co-operation where it seems pertinent (as in the Libyan case) than in establishing consistent long-term policy convergence.

The example of negotiations on a Community readmission agreement with Morocco shows the importance of DGs' protecting their portfolios from contentious policy issues in other areas. Now in their fourteenth round since 2003, negotiations on a bilateral readmission agreement have been stuck due to 'technical points'.^x Although Morocco is willing to take back its own nationals, the readmission of third country nationals (TCNs) which is at the heart of Community readmission agreements is the point of contention. Although conditionality across policy areas is legally possible in EU external relations (Cremona, 2008: 11f), it is not used to increase leverage in readmission negotiations due to lacking co-ordination between DGs.^{xi} Such co-ordination is hampered because DGs are reluctant to "contaminate" their portfolio with other DGs' priorities as can be seen in the EU-Moroccan negotiations on the 2008 Advanced Status Agreement. Following the Seville Council Conclusions (2002: 10f), a new agreement should have automatically included a readmission clause and the Commission had indeed hoped to achieve it with the Advanced Status as a carrot on the negotiation table. However, Morocco continued to oppose readmission and DG RELEX did not want to jeopardize general progress in bilateral relations because of the readmission issue. After all, JHA issues are only one of many priorities in EU-Moroccan relations and "not an objective in itself" (COREPER, 2000: 5).^{xii} The outcome was a clause of soft conditionality which states that 'the EU is ready to develop its co-operation with Morocco [on migration] as soon as the negotiations ... concerning a readmission agreement will be concluded successfully' (EU & Morocco, 2008: 12f). Although the member states and the Commission may be dissatisfied and plans to achieve a Community readmission agreement with Morocco are not abandoned, in practical terms this means "business as usual".^{xiii}

CONCLUSIONS: TOWARDS DIFFERENTIATION AND POLICY CONVERGENCE

The EU has clearly set objectives in its external migration policy towards SEMC. Restrictive control measures are at its centre, aiming at reducing irregular migration as well as allowing readmission of nationals and TCNs. These objectives should allow for little differentiation. Despite the EU aim of policy transfer, limited two-sided policy convergence has been the outcome of co-operation due to the contested nature of policy objectives and EU dependence on national implementers in partner countries. At the level of policy objectives, sub-regional dialogue and relations between individual member states with SEMC have introduced new policy approaches to the EU agenda. However, these have materialized into limited policy output with the effect of sectoral and normative differentiation. Therefore, EU policy retained its focus on repressive measures mainly due to member states' reluctance to concede on admission policies and due to a lack of clarity of the migration-development nexus.

Implementing EU migration policy in Morocco may be indicative for the potential of differentiation and policy convergence with SEMC. Spanish-Moroccan relations exacerbated the potential for facilitating and frustrating EU initiatives in this contentious policy field. Interdependence between both sides of the Mediterranean stimulates differentiation and limited policy convergence. The externalities of European integration in form of a changing migration reality in SEMC motivate local actors to adopt ownership in EU co-operation on border controls. Although policy convergence to EU policies can be observed, the EU needed to go a long way to achieve co-operation at times. Concessions to central political actors in SEMC were made and control loosened over policy interventions. This normative and sectoral differentiation can provoke adverse effects on policy convergence by undermining those parts of the EU external migration package that focus on human rights and international commitments such as the protection of refugees and asylum seekers.

Apart from central SEMC actors that function as gatekeepers of EU initiatives, EU internal processes also contribute to differentiation. Co-ordination issues in the European Commission limit EU leverage in negotiations with SEMC. In addition, DGs do not want to jeopardize their own portfolios because of non-co-operation on migration issues even though migration is considered an EU priority policy area. These processes can undermine conditionality, project follow-ups and long-term policy convergence.

Normative and sectoral differentiation processes were crucial for achieving co-operation between the EU and SEMC. While they contributed to limited policy convergence, region building efforts were affected in an unintended manner from an EU perspective. The

ENP framework of national action plans allows functional considerations to drive EU engagement with SEMC in the area of migration policy corresponding with the model of differentiated integration. This move takes account of the co-operation stages of overall bilateral relations but leaves the overall normative framework of EU policy objectives apparently untouched. However, when looking further afield at implementation dynamics in SEMC, co-operation rather fits the label *à la carte*. Member- and non-member state relations, EU co-ordination problems and implementation in SEMC bring about far more differentiation dynamics than the EU would like and frustrate largely region building following a model of differentiated integration. *À la carte* co-operation becomes a last resort to achieve any bilateral co-operation at all on migration rather than a conscious framework of EU region building in SEMC.

References

- Amnesty International (2005) Spain/Morocco: The authorities must be held accountable for the violation of migrants' rights, Press Release, 26/10/2005, <http://fra.controlarms.org/library/Index/ENGEUR410162005?open&of=ENG-ESP>, accessed 10/8/2008.
- Bardach, E. (1977) *The Implementation Game: what happens after a bill becomes a law* (Cambridge: MIT).
- Barrett, S.M. and Fudge, C. (1981) Examining the Policy-Action Relationship, in: S.M. Barrett & C. Fudge (Eds) *Policy and Action. Essays on the Implementation of Public Policy* (London/New York: Methuen).
- Belguendouz, A. (2003) Le Maroc non Africain, gendarme de l'Europe? Alerte au projet de loi no. 02-03 relative à l'entrée et au séjour des étrangers au Maroc, à l'émigration et l'immigration irrégulières (Sale: Imprimerie Beni Snassen).
- Boswell, C. (2008) Evasion, Reinterpretation and Decoupling: European Commission responses to the 'external dimension' of immigration and asylum, *West European Politics* 31, pp. 491-512.
- Brand, L.A. (2006) *Citizens Abroad: Emigration and the state in the Middle East and North Africa* (Cambridge: Cambridge University Press).
- Carling, J. (2007) Migration Control and Migrant Fatalities at the Spanish-African Borders, *International Migration Review*, 41, pp. 316-43.
- Cassarino, J.P. (2007) Informalising Readmission Agreement in the EU Neighbourhood, *The International Spectator*, 42, pp. 179-96.

Commission of the European Communities (2001) Maroc. Document de stratégie 2002-06 & Programme indicatif national 2002-04, 6/12/2001.

Commission of the European Communities (2003) Communication from the Commission to the Council and the European Parliament. Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, COM(2003)104 final, Brussels 11/3/2003.

Commission of the European Communities (2004a) Commission Staff Document. Issues arising from Turkey's membership perspective, SEC(2004)1202, Brussels 6/10/2004.

Commission of the European Communities (2004b) The European Neighbourhood Policy, EU/Israel Action Plan.

Commission of the European Communities (2004c) The European Neighbourhood Policy, EU/Tunisia Action Plan.

Commission of the European Communities (2005a) Communication from the Commission to the Council and the European Parliament: Priority actions responding to the challenges of migration: First follow-up to Hampton Court, COM(2005)621 final, Brussels 30/11/2005.

Commission of the European Communities (2005b) Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Migration and Development: Some concrete orientations, COM(2005)390 final, Brussels 1/9/2005.

Commission of the European Communities (2005c) The European Neighbourhood Policy, EU/Morocco Action Plan.

Commission of the European Communities (2005d) Technical Mission to Morocco: Visit to Ceuta and Melilla on illegal immigration, 7-11/10/2005, Memo/05/380.

Commission of the European Communities (2006a) Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy. ENP progress report Morocco, SEC(2006)1511/2, Brussels 4/12/2006.

Commission of the European Communities (2006b) Communication from the Commission to the European Parliament and the Council. Thematic programme for the co-operation with third countries in the areas of migration and asylum, COM(2006)26final.

Commission of the European Communities (2006c) European Neighbourhood and Partnership Instrument, Algeria, Strategy Paper 2007-13 and National Indicative Programme 2007-10.

Commission of the European Communities (2006d) European Neighbourhood and Partnership Instrument. Syrian Arab Republic, Strategy Paper 2007-13, National Indicative Programme 2007-10.

Commission of the European Communities (2006e) The European Neighbourhood Policy, EU/Egypt Action Plan.

Commission of the European Communities (2006f) The European Neighbourhood Policy, EU/Lebanon.

Commission of the European Communities (2007) European Neighbourhood and Partnership Instrument. Syrian Arab Republic, Revised National Indicative Programme 2008-10.

Commission of the European Communities (2008) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Strengthening the Global Approach to Migration: Increasing Co-ordination, Coherence and Synergies, COM(2008)611/3.

Commission of the European Communities (n.d.-a) The European Neighbourhood Policy, EU/Jordan Action Plan.

Commission of the European Communities (n.d.-b) The European Neighbourhood Policy, EU/Palestinian Authority Action Plan.

Collyer, M. (2006) States of Insecurity: consequences of Saharan transit migration, Centre on Migration, Policy and Society. Working Paper No. 31, University of Oxford

COREPER (2000) European Union priorities and policy objectives for external relations in the field of justice and home affairs, 7653/00, Brussels 6/6/2000.

Council of the European Union (1992) Presidency Conclusions, European Council, Edinburgh 11-12/12/1992.

Council of the European Union (1999a) Action plan for Morocco, 11426/99

Council of the European Union (1999b) Presidency Conclusions, European Council, Tampere 15-16/10/1999.

Council of the European Union (2000) High Level Working Group on Migration and Asylum - Adoption of the Report to the European Council in Nice, 13993/00 Limite JAI 152 AG 76.

Council of the European Union (2002) Presidency Conclusions. European Council, Seville 21-22/6/2002.

Council of the European Union (2003) Council Regulation (EC) No. 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for

- examining an asylum application lodged in one of the Member States by a third-country national, 18/2/2003.
- Council of the European Union (2004) The Hague Programme. Presidency Conclusions, Brussels 4-5/11/2004.
- Council of the European Union (2005) Presidency Conclusions, European Council, Brussels 15-16/12/2005.
- Council of the European Union (2009) The Stockholm Programme – An open and secure Europe serving and protecting the citizens, Brussels 2/12/2009.
- Cremona, M. (2008) EU External Action in the JHA Domain: A legal perspective, EUI working papers Law 2008/24
- Dimitrakopoulos, D. and Richardson J. (2001) Implementing EU Public Policy, in J. Richardson (Ed) *European Union. Power and Policy Making* (London/New York: Routledge).
- El País (2005) Entrevista Mohamed VI Rey de Marruecos. Se ha restablecido el respeto mutuo entre España y Marruecos, 16/1/2005.
- Elmadmad, K. (2007) La gestion des frontières au Maroc. CARIM research report 2007/04.
- European Union and Morocco (2008) Document conjoint UE-Maroc sur le renforcement des relations bilatérales/ Statut Avancé, 13/10/2008.
- Friis, L. and Murphy A. (1999) The European Union and Central and Eastern Europe: Governance and Boundaries, *Journal of Common Market Studies*, 37, pp. 211-32.
- Geddes, A. (2005) Europe's Border Relationships and International Migration Relations, *Journal of Common Market Studies* 43, pp. 787-806.
- Hamood, S. (2008) EU-Libya Co-operation on Migration: A Raw Deal for Refugees and Migrants? *Journal of Refugee Studies*, 21, pp. 19-42.
- Hill, M. and Hupe, P. (2002) *Implementing Public Policy* (London/Thousand Oaks/New Delhi: Sage)
- Knill, C. (2006) Implementation, in J. Richardson (Ed) *European Union. Power and Policy-Making* (Abingdon/New York: Routledge).
- Lavenex, S. (1999) *Safe Third Countries: Extending EU Asylum and Migration Policies to Central and Eastern Europe* (Budapest: Central European University Press)
- Lavenex, S. (2008) A Governance Perspective on the European Neighbourhood Policy: integration beyond conditionality? *Journal of European Public Policy*, 15(6), pp. 938-55.

- Lavenex, S. and Kunz, R. (2008) The Migration-Development Nexus in EU External Relations, *European Integration*, 30, pp. 439-57.
- Lavenex, S. and Schimmelfennig, F. (2009) EU rules beyond EU borders: theorizing external governance in European politics, *Journal of European Public Policy*, 16, pp. 791-812.
- Lavenex, S. and Uçarer, E. (Eds.) (2002) Migration and the Externalities of European Integration (Lanham: Lexington)
- Le Matin du Sahara et du Maghreb (2002) Le Maroc relance sa coopération avec l'OIM, 19/3/2002, <http://www.lematin.ma/Actualite/Journal/Article.asp?origine=jrn&idr=110&id=14226>, accessed 7/1/2009.
- Le Matin du Sahara et du Maghreb (2003) Lutte contre les réseaux de trafic des êtres humains: Solana loue la création de la Direction de la migration et de la surveillance des frontières, 25/11/2003, www.lematin.ma/actualite/journal/articleprint.asp?id=34841, accessed 6/1/2009.
- Libya and European Union (2006) Joint Conclusions: Libya - EU Exploratory Discussions, Tripoli 5-6/7/2006, http://www.dellby.ec.europa.eu/en/eu_and_country/issues.htm, accessed 1/11/2009.
- Lindstrøm, C. (2005) European Union Policy on Asylum and Immigration: addressing the root causes of forced migration: a justice and home affairs policy of freedom, security and justice? *Social Policy & Administration*, 39, pp. 587-605.
- Lutterbeck, D. (2006) Policing Migration in the Mediterranean, *Mediterranean Politics*, 11, pp. 59-82.
- Maghraoui, A. (2001) Political Authority in Crisis: Mohammed VI's Morocco, *Middle East Report*, 218, pp. 12-7.
- McFaul, M. and Cofman Wittes, T. (2008) Morocco's election: The limits of limited reform, *Journal of Democracy*, 19, pp. 19-33.
- Nyberg-Sørensen N., van Hear N. and Engberg-Pedersen P. (2002) The Migration-Development Nexus Evidence and Policy Options. State-of-the-Art Overview, *International Migration*, 40, pp. 3-47.
- Ortuño, J.M. (2005) Migration, Asylum and Security: The case of Ceuta and Melilla. Challenge working paper, presented at the Challenge: Liberty&Security Conference Border Challenges in an Enlarged EU, Sliema 9-10/12/2005.
- Pastore, F. (2007) Europe, Migration and Development: Critical remarks on an emerging policy field, *Development*, 50, pp. 56-62.

- Sghir, A.J. (2006) Intervention of the Head of the Migration Division, Ministry of Interior, Government of the Kingdom of Morocco, Conference on Migration and Development co-organized by IOM, Belgium with support of the European union and the Worldbank, March 2006, www.carim.org/polsoc texts/PS2MOR005_EN.pdf, accessed 17/10/2008.
- Taylor, P. J. (1994) The State as Container: Territoriality in the modern world-system, *Progress in Human Geography*, 18, pp. 151-62.
- Taylor, S. (2005) From Border Control to Migration Management: the case for a paradigm change in the Western response to transborder population movement, *Social Policy & Administration*, 39, pp. 563-86.
- The Courier (2008) Observing the positives of migration, <http://www.acp-eucourier.info/Observing-the-positives-o.332.0.html>, accessed 5/5/2009.
- Vermeren, P. (2006) *Histoire du Maroc depuis l'indépendance*, (Paris: La Découverte).
- Zolberg, A. (2005) The Archaeology of 'Remote Control', in A. Fahrmeir, O. Faron & P. Weil (Eds) *Migration Control in the North Atlantic World* (New York/Oxford: Berghahn Books

ⁱ At present, the Schengen area of free internal movement comprises 22 member states (Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden) plus Norway, Iceland and Switzerland.

ⁱⁱ Interview at DG JLS (7 December 2007).

ⁱⁱⁱ The terms ‘illegal’ and ‘irregular migration’ are used synonymously because EU policy does not follow this common distinction in the migration literature. ‘Illegal migration’ refers to border crossings in breach with regulations of the country of immigration while ‘irregular migration’ point at a wider range of irregularities in the migration process (e.g. breaking visa regulations).

^{iv} Interview DG RELEX (4 December 2007).

^v Interviews DG RELEX, DG JLS and Permanent Representation of Spain to the EU (6, 7 and 10 December 2007).

^{vi} For example, the EU funded Moroccan labour migration interface ANAPEC has become the Commission’s showpiece (Commission of the European Communities, 2008: 2) but is highly dependent on temporary jobs at Spanish strawberry farms which provided more than 90 percent of placements in 2008. Overall the initiative suffers from a lack of diversified admission opportunities in member states.

^{vii} See project allocations under MEDA I+II, ENPI as well as budget lines B7-667, AENEAS and Thematic Programme for Asylum and Migration.

^{viii} Interviews in Morocco with migration policy officers at the Italian and Spanish embassies (19 November and 2 December 2008), United Nations Resident Coordinator (2 December 2008) and the Commission Delegation (21 November 2008).

^{ix} Calculations are based on 2005-08 budgets and administrative expenditure in DGs Development, RELEX and Europeaid as well as the Common Foreign and Security Policy.

^x Thematic instruments consist of the consecutive budget lines B7-667 (€42.5m, 2001-03), AENEAS (€120m, 2004-06) and the Thematic Programme on Migration and Asylum (€205m, 2007-10)

^{xi} Interviews with Commission Delegation Morocco and Moroccan policy expert (21 November and 1 December 2008).

^{xii} Interviews Spanish embassy in Morocco and Moroccan Ministry of Foreign Affairs (2 and 11 December 2008).

^{xiii} Interviews at Moroccan representations of IOM (18 November 2008) and UNHCR (2 December 2008) and Commission Delegation (21 November 2008).

^{xiv} Interviews DGs JLS and RELEX (6 and 7 December 2008).

^{xv} Interviews DG RELEX (7 December 2007) and Commission Delegation Morocco (21 November 2008).

^{xvi} Interview Commission Delegation Morocco (21 November 2008).

^{xvii} Interview DG JLS (4 December 2007); The Courier, 2008.

^{xviii} Interview UNHCR representation Morocco (2 December 2008).

^{xix} Interviews Commission Delegation and UNHCR representation Morocco (21 November and 2 December 2008).

^{xx} Interview Commission Delegation (21 November 2008).

^{xxi} Interviews DGs JLS and RELEX (4 and 7 December 2007).

^{xxii} Interviews DG RELEX (7 December 2007) and Commission Delegation Morocco (21 November 2008).

^{xxiii} Interviews Commission Delegation Morocco (21 November 2008).